



ENVIRONMENTAL PROTECTION AGENCY

6560-50-P

[EPA-HQ-OAR-2014-0548; FRL-9998-52-OAR]

Proposed Information Collection Request; Comment Request; Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), “Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network” (EPA ICR No. 1591.27, OMB Control No. 2060-0277) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through 5/31/2020. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2014-0548 online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity,

threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jose Solar, Office of Transportation and Air Quality, (Mail Code 6405A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: 202-343-9027; fax number: 202-343-2801; email address: *solar.jose@epa.gov*.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and

approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Gasoline combustion is a major source of air pollution in most urban areas. In the 1990 amendments to the Clean Air Act (Act), section 211(k), Congress required that gasoline dispensed in nine areas with severe air quality problems, and areas that opt-in, be reformulated to reduce toxic and ozone-forming emissions. (Ozone is also known as smog.) Congress also required that, in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be “dumped” into the remainder of the country’s gasoline, known as conventional gasoline (CG). EPA promulgated regulations at 40 CFR part 80, subpart D - Reformulated Gasoline, subpart E - Anti-Dumping, and subpart F - Attest Engagements, implementing the statutory requirements, which include standards for RFG (80.41) and CG (80.101). The regulations also contain reporting and recordkeeping requirements pertaining to the production, importation, transport and storage of gasoline, in order for the regulated parties to demonstrate compliance and to facilitate compliance oversight and enforcement by the EPA. The program is run by the Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation. Enforcement is done by the Air Enforcement Division, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance. This program excludes California, which has separate requirements for gasoline.

The United States has an annual gasoline consumption of about 135 billion gallons, of which about 30 percent is RFG. In 2017 EPA received reports from 255 refineries, 500 importer facilities/facility groups, 2,068 oxygenate blending facilities, 94 independent laboratory facilities, and the RFG Survey Association, Inc. under this program.

Section 211(k) of the Act requires the Administrator to promulgate regulations

establishing requirements for RFG to be used in gasoline-fueled vehicles in the nine specified nonattainment areas, and opt-in areas. The Act specifically provides that recordkeeping, reporting, and sampling and testing requirements are among the tools EPA may use in enforcement of the provisions.

Information claimed as confidential by regulated parties is handled in accordance with EPA Freedom of Information Act regulations at 40 CFR Part 2.

Electronic files received by the Agency are stored in a secure data base.

Form numbers: RFG and CG reporting is now required to be completed electronically. The reporting is to be made through the EPA Fuels Programs Reporting Forms which are available on the following website: <http://www.epa.gov/otaq/fuels/reporting/index.htm>.

Respondents/affected entities: Recordkeeping and, in some cases, reporting are required by the following gasoline marketing-related industries, Standard Industrial Classification (SIC) codes: refiners (2911), importers (5172), terminals (5171), pipelines (4613), truckers and other distributors (4212), and retailers/wholesale purchaser-consumers (5541). North American Industry Classification System (NAICS) codes: refiners (324110), pipelines (486910) and terminals (424710). Not all NAICS codes for the responsible reporting parties were found. These are, however, parties which are obligated to report: importers, truckers and other distributors and retailers/wholesale purchaser-consumers. Some refiners are importers but that is not always the case. Many of the required records are generated and maintained currently in the normal course of business. Without the required records EPA would be unable to enforce the Congressionally-mandated RFG and anti-dumping requirements.

Respondent's obligation to respond: Mandatory per 40 CFR part 80.

Estimated number of respondents: 4,283.

Frequency of response: Quarterly, annually, on occasion.

Total estimated burden: 127,246 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$39,473,568 (per year), includes \$24,713,032 in none-labor costs.

Changes in estimates: Compared with the ICR currently approved by OMB, there is no change of burden hours. There is an increase in the total burden cost due to the update in labor salaries.

Dated: August 13, 2019.

Byron J. Bunker,

Director, Compliance Division,

Office of Transportation and Air Quality,

Office of Air and Radiation.

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